

AP12 Rec'd PCT/PTO 01 APR 2008

RECEIVED
CENTRAL FAX CENTERPATENT

Docket No.: 073678-0026

APR 01 2008

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of

Customer Number: 31824

Christopher Robert BEBBINGTON, et al

Confirmation Number: 9929

Serial No.: 10/585,149

Group Art Unit: Not Yet Assigned

Filed: June 30, 2006

Examiner: Not Yet Assigned

For: TRANSACTIVATION SYSTEM FOR MAMMALIAN CELLS

CERTIFICATE OF TRANSMISSION (UNDER 37 CFR 1.8(a)(1))

I hereby certify that on April 1, 2008, this document and all listed attachments are being transmitted via facsimile to (571) 273-8300, Attn: Mail Stop Petition, known to me to be the USPTO Patent Central FAX Number, at Commissioner for Patents, Alexandria, VA 22313-1450.


PATRICIA A. BALEROPETITION FOR WITHDRAWAL OF HOLDING OF ABANDONMENT

Mail Stop Petition
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

In response to the NOTIFICATION OF ABANDONMENT dated March 27, 2008, Applicants hereby request that the Notification of Abandonment be withdrawn and that prosecution for the application be reopened. (See Manual of Patent Examination Procedure § 711.04(c) (2007).) Although Applicants believe that no fee is necessary, the Commissioner is authorized to charge Deposit Account No. 502203 in the amount of \$130.00 to cover the Petition fee.

The Patent Office issued the Notification of Abandonment on the grounds that the Applicants had failed to respond to a Notification of Missing Requirements within the statutory period of two (2) months from the mailing date of March 26, 2007. (See Notification of Abandonment, Exhibit 1.)

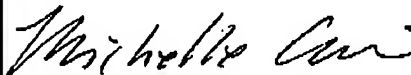
Serial No.: 10/585,149

The Applicants' attorney has conducted a search of the internal docket for this application and has found no record that the Notification of Missing Requirements was received from the Patent Office. (See Remarks, Internal Record from Docket No. 073678-0026, Exhibit 2.) Moreover, the Patent Office's records available through the Patent Application Information Retrieval (PAIR) system corroborate counsel's internal record. (See PAIR Record for Application No. 10/585,149, Exhibit 3.) The PAIR record does not show a Notification of Missing Requirements in March 2007, or thereafter. Further, the PAIR record indicates that, since March 2007, the Applicant has made several filings with the Patent Office, including two Information Disclosure Statements, one on May 22, 2007 and another on November 2, 2007, and a Request for Status of Application on February 28, 2008. The Applicants' subsequent submissions and request are additional proof that the Applicants never received the Notification of Missing Requirements and never intended to abandon the application.

The Applicants submit that they did not receive the Notification of Missing Requirements, and as such, the Applicants respectfully request that the Notification of Abandonment be withdrawn and that the fee for this Petition be waived.

Respectfully submitted,

McDERMOTT WILL & EMERY LLP



Michelle Z. Cai
Registration No. 50,599

3150 Porter Drive
Palo Alto, CA 94304
Phone: 650-813-5000
Facsimile: 650-813-5100
Date: April 1, 2008

MPK 140269-1.073678.0026

Please recognize our Customer No. 31824
as our correspondence address.

McDermott Will & Emery

Boston Brussels Chicago Düsseldorf Houston London Los Angeles Miami Munich
New York Orange County Rome San Diego Silicon Valley Washington, D.C.

Strategic alliance with MWE China Law Offices (Shanghai)

**RECEIVED
CENTRAL FAX CENTER**

APR 01 2008

FACSIMILE

Date: April 1, 2008

Time Sent:

To:	Company:	Facsimile No:	Telephone No:
Mail Stop Petition	U.S. Patent and Trademark Office	1.571.273.8300	
From:	Michelle Z. Cai	Direct Phone:	650.813.5052
E-Mail:	mcai@mwe.com	Direct Fax:	650.813.5100
Sent By:	Patricia A. Balero	Direct Phone:	650.813.4608
Client/Matter/Tkpr:	073678-0026/09341	Original to Follow by Mail:	No
		Number of Pages, Including Cover:	11
Re:			
Message:			

The information contained in this facsimile message is legally privileged and confidential information intended only for the use of the individual or entity named above. If the reader of this message is not the intended recipient, you are hereby notified that any dissemination, distribution, or copy of this facsimile is strictly prohibited. If you have received this facsimile in error, please notify us immediately by telephone and return the original message to us at the below address by mail. Thank you.

IF YOU DO NOT RECEIVE ALL OF THE PAGES, PLEASE CALL AS SOON AS POSSIBLE.

Main Facsimile: 949.851.9348 Facsimile Operator: 949.757.7100

U.S. practice conducted through McDermott Will & Emery LLP
18191 Von Karman Avenue Suite 500 Irvine, California 92612-7108 Telephone: 949.851.0633

APR-01-2008 TUE 03:17 PM

FAX NO.

P. 04

EXHIBIT

1

APR 01 2008



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1459
Alexandria, Virginia 22301-1459
www.uspto.gov

U.S. APPLICATION NUMBER NO.	10/585,149	31824	McDERMOTT WILL & EMERY LLP	18191 VON KARMAN AVE.	SUITE 500	IRVINE, CA 92612-7108	
FIRST NAMED APPLICANT	Christopher Robert Bebbington	ATTY. CCKETT NO.	073678-0026	INTERNATIONAL APPLICATION NO.	PCT/US04/43430	I.A. FILING DATE	PRIORITY DATE
						12/30/2004	12/31/2003
<div style="border: 1px solid black; padding: 5px; text-align: center;"> RECEIVED APR 01 2008 </div>				CONFIRMATION NO. 992 371 ABANDONMENT/TERMINATION LETTER			
McDERMOTT WILL & EMERY LLP							

Date Mailed: 03/27/2008

NOTIFICATION OF ABANDONMENT

The United States Patent and Trademark Office in its capacity as a Designated / Elected Office (37 CFR 1.495) has made the following determination:

- Applicant has failed to respond to the notification of MISSING REQUIREMENTS (Form PCT/DO/EO/905), mailed 03/26/2007, within the time period set therein.

Therefore, the above identified application failed to meet the requirements of 35 U.S.C. 371 and 37 CFR 1.496, and is ABANDONED AS TO THE UNITED STATES OF AMERICA.

PAULETTE R KIDWELL

Telephone: (703) 308-9140 EXT 216

page 1 of 1

FORM PCT/PC/EO/008 (371 Abandonment Notice)

EXHIBIT

2

Country Application

Matter: 073678-026

Tuesday, March 25, 2008

Page: 1

Family Number: 073678-0012

SubCase: A002

Country: US United States of America

Client: Kalobios, Inc.

Family Name:

Sub Matter:

Group Art No.:

Client Reference #:

Responsible Atty.: NC
Case Type: PCT

Assigned Atty.: AAK

Paralegal:

Other MWE Office Contact:

Application Status: Pending

Earliest Priority Date: 31-Dec-2003

Filing Date: 30-Jun-2006

Publication Date:

Issue Date:

Parent/PCT Date : 30-Dec-2004

Parent Issue Date :

Expiration Date:

Patent Term Adjustment: 0

Owner Reference #:

Agent Reference #:

Application Number: 10/585,149

Publication Number:

Patent Number:

Parent/PCT Number: PCT/US2004/043830

Parent Issue Number:

Tax Schedule: LE

Confirmation #:

Owner:

Agent:

App.Title: TRANSACTIVATION SYSTEM FOR MAMMALIAN CELLS

Family Reference: #Error

Country Application

Matter: 073678-0026

Tuesday, March 25, 2008

Page: 2

List Of Actions

Action(s) Due	Due Date	Action Taken
Information Disclosure Stmt	30-Sep-2006	Due Date 29-Sep-2006
Filing Receipt Yet?	30-Dec-2006	Reminder 29-Dec-2006
FILING RECEIPT YET?	30-Jan-2007	Reminder 18-Jan-2007
FILING RECEIPT YET?	28-Feb-2007	Reminder 28-Feb-2007
FILING RECEIPT YET?	28-Mar-2007	Reminder 27-Mar-2007
FILING RECEIPT YET?	28-Apr-2007	Reminder 30-Apr-2007
FILING RECEIPT YET?	28-May-2007	Reminder 25-May-2007
FILING RECEIPT YET?	28-Jun-2007	Reminder 27-Jun-2007
FILING RECEIPT YET?	28-Jul-2007	Reminder 27-Jul-2007
FILING RECEIPT YET?	28-Aug-2007	Reminder 28-Aug-2007
FILING RECEIPT YET?	28-Nov-2007	Reminder 27-Nov-2007
Office Action Received?	30-Dec-2007	Reminder 28-Dec-2007
FILING RECEIPT YET?	28-Feb-2008	Reminder 27-Feb-2008
FILING RECEIPT YET?	28-Apr-2008	Reminder
OA RECD YET?	30-Jun-2008	Reminder

Remarks:

Nat Phase Appln w/trans, Spec (67 pgs), Claims (5 pgs), Abstract, Drwgs (22 pgs), SE, Decl/POA, Prel Amd, Int'l Sch Rpt, Int'l Publ & \$825 f. 6/30/06 COM; Pstcd w/SN recd 7/15/06; Prel Amd f. 10/12/06 via fax per PB; IDS e-filed 5/22/07; IDS f. 11/2/07 citing EP OA per PB 12/3/07;

Created By: dzambrano

User ID: dzambrano

Date Created: 12-Jul-2006

Last Update: 03-Dec-2007

EXHIBIT

3

10/585,149 Transactivation system for mammalian cells 03-25-2008::17:53:53

This application is officially maintained in electronic form. To View: Click the desired Document Description. To Download and Print: Check the desired document(s) and click PDF.

Available Documents

Mail Room Date	Document Code	Document Description	Document Category	Page Count
03-12-2008	WFEE	Fee Worksheet (PTO-06)	PROSECUTION	1
03-12-2008	WCLM	Claims Worksheet (PTO-2022)	PROSECUTION	1
02-28-2008	STATUS.LET	Request for status of Application	PROSECUTION	2
11-02-2007	IDS.LET	Information Disclosure Statement Letter	PROSECUTION	2
11-02-2007	IDS	Information Disclosure Statement (IDS) Filed	PROSECUTION	1
11-02-2007	FOR	Foreign Reference	PRIOR ART	197
11-02-2007	FOR	Foreign Reference	PRIOR ART	155
11-02-2007	FOR	Foreign Reference	PRIOR ART	4
11-02-2007	N417	Status Letter Mailed to Applicant	PROSECUTION	2
05-22-2007	IDS	Information Disclosure Statement (IDS) Filed	PROSECUTION	4
05-22-2007	NPL	NPL Documents	PRIOR ART	10
05-22-2007	NPL	NPL Documents	PRIOR ART	10
05-22-2007	NPL	NPL Documents	PRIOR ART	7
05-22-2007	NPL	NPL Documents	PRIOR ART	15
05-22-2007	NPL	NPL Documents	PRIOR ART	12
05-22-2007	NPL	NPL Documents	PRIOR ART	6
05-22-2007	NPL	NPL Documents	PRIOR ART	9
05-22-2007	NPL	NPL Documents	PRIOR ART	5
05-22-2007	NPL	NPL Documents	PRIOR ART	10
05-22-2007	NPL	NPL Documents	PRIOR ART	15
05-22-2007	NPL	NPL Documents	PRIOR ART	8
05-22-2007	NPL	NPL Documents	PRIOR ART	13
05-22-2007	NPL	NPL Documents	PRIOR ART	12
05-22-2007	NPL	NPL Documents	PRIOR ART	13
05-22-2007	NPL	NPL Documents	PRIOR ART	13
05-22-2007	NPL	NPL Documents	PRIOR ART	9
05-22-2007	N417	Status Letter Mailed to Applicant	PROSECUTION	3
10-12-2006	A.PE	Preliminary Amendment	PROSECUTION	3
10-12-2006	CLM	Claims	PROSECUTION	11
10-12-2006	REM	Applicant Arguments/Remarks Made in an Amendment	PROSECUTION	1
06-30-2006	TRNA	Transmittal of New Application	PROSECUTION	4
06-30-2006	ABST	Abstract	PROSECUTION	1
06-30-2006	DRW	Drawings-only black and white line drawings	PROSECUTION	22
06-30-2006	SEQLIST	Sequence Listing	PROSECUTION	1
06-30-2006	OATH	Oath or Declaration filed	PROSECUTION	2
06-30-2006	WFEE	Fee Worksheet (PTO-06)	PROSECUTION	1
06-30-2006	A.PE	Preliminary Amendment	PROSECUTION	1
06-30-2006	SPEC	Specification	PROSECUTION	1
06-30-2006	REM	Applicant Arguments/Remarks Made in an Amendment	PROSECUTION	1
06-30-2006	SEQLIST	Sequence Listing	PROSECUTION	12
06-30-2006	371P	Documents submitted with 371	PROSECUTION	24

06-30-2006	371P	Applications	Documents submitted with 371	PROSECUTION	73
06-30-2006	371P	Applications	Documents submitted with 371	PROSECUTION	2
06-30-2006	371P	Applications	Documents submitted with 371	PROSECUTION	3
06-30-2006	371P	Applications	Documents submitted with 371	PROSECUTION	6
06-30-2006	SPEC	Specification		PROSECUTION	66
06-30-2006	CLM	Claims		PROSECUTION	4
06-30-2006	ABST	Abstract		PROSECUTION	1
06-30-2006	SPEC	Specification		PROSECUTION	67
06-30-2006	CLM	Claims		PROSECUTION	5
06-30-2006	DRW	Drawings-only black and white line drawings		PROSECUTION	22
06-30-2006	SEQLIST	Sequence Listing		PROSECUTION	24
06-30-2006	ABST	Abstract		PROSECUTION	1
06-30-2006	P.210.IN	Incoming ISR, 237.8 References from IB		PROSECUTION	1
06-30-2006	FRPR	Certified Copy of Foreign Priority Application		PROSECUTION	84
06-30-2006	P.409.IN	Incoming IPEA/108 - Int'l Prelim Report on Patentability		PROSECUTION	4
06-30-2006	WCLM	Claims Worksheet (PTO-2022)		PROSECUTION	2
06-30-2006	WFEE	Fee Worksheet (PTO-06)		PROSECUTION	1
06-30-2006	WFEE	Fee Worksheet (PTO-06)		PROSECUTION	1

Close Window